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7 UNITED STATES DISTRICT COURT  
8 SOUTHERN DISTRICT OF CALIFORNIA  
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10 THE WHITEWATER DRAW  
11 NATURAL RESOURCE  
12 CONSERVATION DISTRICT et al.,  
13 Plaintiffs,  
14 v.  
15 KRISTJEN NIELSEN, et al.,  
16 Defendants.

Case No.: 16cv2583-L(BLM)

**ORDER DENYING AS MOOT  
MOTION TO DISMISS THE  
COMPLAINT**

17 In light of Plaintiffs' filing of the amended complaint, the Federal Defendants'  
18 Motion to Dismiss the Complaint in Part for Lack of Jurisdiction and Failure to State a  
19 Claim (doc. no. 39) is denied as moot. *See Valdez-Lopez v. Chertoff*, 656 F.3d 851, 857  
20 (9th Cir. 2011) ("it is well-established that an amended complaint supersedes the original,  
21 the latter being treated thereafter as non-existent" (internal quotation marks and citations  
22 omitted)); *see also Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir.  
23 2015).)

24 **IT IS SO ORDERED.**

25 Dated: January 22, 2018

26   
27 Hon. M. James Lorenz  
28 United States District Judge

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